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PATENT
45D-1750 (81841.0041)

#37



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert J. Obremski, *et al.*

Serial No: 09/063,978

Filed: April 21, 1998

For: DETECTION OF VERY LOW
QUANTITIES OF ANALYTE BOUND
TO A SOLID PHASE

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NOV 05 2004

OFFICE OF PETITIONS

Art Unit: 1645

Examiner: Jana A. Hines

PETITION PURSUANT TO 37 C.F.R. § 1.137(b) FOR
REVIVAL OF AN UNINTENTIONALLY ABANDONED
APPLICATION AND CONDITIONAL PETITION FOR
EXTENSION OF TIME

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.137(b), Applicants respectfully petition for revival of the above-identified patent application which became unintentionally abandoned on October 1, 2004. The present application became abandoned as a result of intentionally not responding to the Office Action dated January 22, 2003. Enclosed is an RCE, and a copy of the Amendment Under 37 C.F.R. 1.116 filed April 22, 2003 to continue prosecution of this application.

In accordance with 37 C.R.F. § 1.17(m), a check in the amount of \$1,370.00 is submitted to cover the fee for this petition.

Applicant became aware that the application had become abandoned on or about October 1, 2004 upon receiving the Notice of Abandonment. The entire delay from the due date for the required response until the filing of this petition has been unintentional.

It is believed that no extension of time is required. However, should an extension of time be necessary to revive the above-identified application or to prevent the above-identified application from becoming abandoned again, please

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consider this a conditional petition for such an extension of time. Please charge any fee for such an extension of time to Deposit Account No. 50-1314. A copy of this paper is enclosed.

If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure revival of the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: November 1, 2004

By: 

Wei-Ning Yang
Registration No. 38,690
Attorney for Applicant(s)

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500 South Grand Avenue, Suite 1900
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/063,978	NOV 02 2004	ROBERT J. OBREMSKI	45D-1750(64) 8841-0041	5283
26021 7590 10/01/2004 HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			EXAMINER HINES, JANA A	
			ART UNIT 1645	PAPER NUMBER

DATE MAILED: 10/01/2004

THIS MATTER DOCKETED
FOR 11/1/04 (Petition to Reissue due)

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Please find below and/or attached an Office communication concerning this application or proceeding.

OFFICE OF PETITIONS

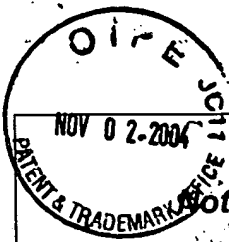
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OCT 06 2004

DOCKETING

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NOV 05 2004

**Notice of Abandonment**

Application No.

09/063,978

Examiner

Ja-Na Hines

Applicant(s)

OFFICE OF PETITIONS

OBREMSKI ET AL

Art Unit

1645

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 January 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on April 28, 2003, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1601

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EV507671772US

Date of Deposit: November 1, 2004

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following are enclosed herewith:

- ☒ Copy of Notice of Abandonment dated 10/01/04;
- ☒ Petition Pursuant to 37 C.F.R. § 1.137(b) for Revival of an Unintentionally Abandoned Application and Conditional Petition for Extension of Time;
- ☒ Amendment Under 37 C.F.R. § 1.116;
- ☒ Request for Considered Examination (RCE) Transmittal;
- ☒ Check No. 18761 for \$1,370.00 to cover the Petition for Revival fee;
- ☒ Check No. 18760 for \$790.00 to cover the RCE fee;
- ☒ Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dated: November 1, 2004

Hogan & Hartson, LLP
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Facsimile: 213-337-6701

Wei-Ning Yang

Name of person mailing papers


Signature